

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JIMMY DALE GRAHAM,)	
)	
Plaintiff,)	
)	
v.)	No. 1:15CV111 SNLJ
)	
STE. GENEVIEVE COUNTY JAIL, et al.,)	
)	
Defendants,)	

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for appointment of counsel. After considering the motion and the pleadings, the motion is denied without prejudice.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

At this juncture of the case, plaintiff has missed the deadline for filing his amended complaint. However, in the prior filings before this Court, he demonstrated that he was able to adequately present his claims to the Court on his own behalf. Moreover, the Court has set forth, in great detail in its August 18, 2015 Memorandum and Order, how plaintiff should best proceed with filing an amended complaint in this action. And if plaintiff's amended complaint passes

review under § 1915, service will be effectuated by the United States Marshal's Office on plaintiff's behalf.

Additionally, neither the factual nor the legal issues in this case are complex. Rather, plaintiff's Eighth Amendment claims are relatively straightforward, and are essentially brought against only a few named defendants.

The Court will deny plaintiff's motion for appointment of counsel at this juncture, but the Court will provide plaintiff an additional twenty (20) days to amend his complaint. Plaintiff's failure to file his amended complaint in a timely manner could result in a dismissal of this action, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [Doc. #8] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that plaintiff shall submit an amended complaint on a court-provided form no later than twenty (20) days from the date of this Memorandum and Order.

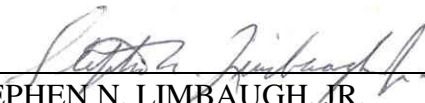
IT IS FURTHER ORDERED that plaintiff's amended complaint shall comply with the instructions set forth in the Court's August 18, 2015 Memorandum and Order.

IT IS FURTHER ORDERED that upon submission of the amended complaint, the Court shall again review this action pursuant to 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that the Court shall mail to plaintiff a copy of the Court's Prisoner Civil Rights Complaint form.

IT IS FURTHER ORDERED that plaintiff's failure to submit his amended complaint in a timely manner, and in accordance with the instructions set forth by this Court, may result in a dismissal of this action, without prejudice.

Dated this 23rd day of September, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE